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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 ANGEL RUIZ,

10 Plaintiff,

11 v.

12 JUNIOR FORTUNE, et al.,

13 Defendants.
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Case No. 1:20-cv-01100-DAD-EPG (PC)

ORDER DENYING PLAINTIFF’S
REQUEST FOR THE COURT TO WAIVE
FILING FEE, REQUEST FOR THE
COURT TO USE FEE FROM PREVIOUS
CASE, AND REQUEST TO PROCEED IN
FORMA PAUPERIS, WITHOUT
PREJUDICE

(ECF No. 26)

17 Angel Ruiz (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in
18 this action, which was dismissed on March 12, 2021.

19 On May 17, 2021, Plaintiff filed a letter. (ECF No. 26). In the letter, Plaintiff states
20 that he intends to refile his civil claim. Plaintiff requests that the Court waive the filing fee for
21 his new case, that the Court use the fee from his previous case (this case), and that he be
22 allowed to proceed *in forma pauperis* in his new case.

23 The Court will deny Plaintiff’s requests without prejudice. It appears that Plaintiff’s
24 letter was docketed in this action because Plaintiff has not yet filed his new action. As Plaintiff
25 is making requests related to the action that he intends to file, the Court will deny the requests
26 in this action, without prejudice to Plaintiff filing them in his new action.

27 While not deciding the issue, the Court notes that a filing fee is due in each civil action
28 and generally filing fees in one case cannot be used in another case. Additionally, the federal

1 claims in this case were dismissed with prejudice, which means that Plaintiff cannot bring
2 them again in another case. While Plaintiff's state law claims were dismissed without
3 prejudice to Plaintiff bringing those claims in state court, the filing fee in this case could not be
4 used for such a state action.

5 Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff's request for the
6 Court to waive the filing fee, request for the Court to use the fee from his previous case, and
7 request to proceed *in forma pauperis* are DENIED, without prejudice.

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9 IT IS SO ORDERED.

10 Dated: May 18, 2021

11 /s/ Eric P. Grogan
12 UNITED STATES MAGISTRATE JUDGE
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